



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
<http://atg.sd.gov>

MARTY J. JACKLEY
ATTORNEY GENERAL

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**OFFICE OF
WATER**

MARK W. BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

February 21, 2023

Susan Anderson
Attorney at Law
P.O. Box 6062
Custer, SD 57730
*Counsel for Elk Mountain Water Users
Association, Inc.*

Matthew E. Naasz
Gunderson, Palmer, Nelson
& Ashmore, LLP
P.O. Box 8045
Rapid City, SD 57709
Counsel for Tomas and Eraclio Martinez

J. Scott James
Southern Hills Law PLLC
429 1/2 Mount Rushmore Road #2
Custer, SD 57730
*Counsel for Elk Mountain Water Users
Association, Inc.*

Travis Paulton
10693 Pass Creek Road
Edgemont, SD 57735

William and Susan Paulton
10666 Pass Creek Road
Edgemont, SD 57735

Robert J. Galbraith
Nooney & Salay, LLP
P.O. Box 8030
Rapid City, SD 57709-8030
*Counsel for Daniel Stearns and Dalton
Stearns*

Jim and Charel Pitts
25385 Gillette Canyon Road
Newcastle, WY 82701

Re: *In the Matter of Water Application No. 2850-2, Elk Mountain Water Users
Association, Inc.*

To Whom It May Concern:

Enclosed please find a true and correct copy of the Chief Engineer's Disclosure of Witnesses and Exhibits and the Certificate of Service in the above-referenced matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann F. Mines Bailey".
Ann F. Mines Bailey
Assistant Attorney General

AFM/mn

Enclosures

cc w/encs: ✓ Ron Duvall, DANR Water Rights Program (by interoffice mail)

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STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

OFFICE OF
WATER

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER)	
APPLICATION NO. 2850-2, Elk)	CHIEF ENGINEER'S DISCLOSURE
Mountain Water Users Association,)	OF WITNESSES AND EXHIBITS
Inc.)	

Pursuant to the Procedural and Scheduling Order dated December 9, 2022, the Chief Engineer hereby provides his list of witnesses and exhibits.

WITNESS LIST

1. Kim Drennon, Engineer, South Dakota Department of Agriculture and Natural Resources, Water Rights Program. Ms. Drennon will testify regarding the availability of unappropriated water and potential for unlawful impairment of existing rights.

2. Eric Gronlund, Chief Engineer, South Dakota Department of Agriculture and Natural Resources, Water Rights Program. Mr. Gronlund will testify regarding his recommendation of approval of this application.

The witnesses may be contacted at:

South Dakota Department of Agriculture and Natural Resources
Water Rights Program
523 East Capitol Avenue
Pierre, South Dakota 57501
(605) 773-3352

EXHIBIT LIST

Exhibit 1: Administrative record of Water Permit Application No. 2850-
2. The paper file is available for review upon request. The majority of its
contents are available online at
<https://danr.sd.gov/public/ccdocs.aspx?CCID=CCID109>.

Exhibit 2: Curriculum vitae of Kim Drennon.

Exhibit 3: Curriculum vitae of Eric Gronlund.

Exhibit 4: Area map.

Exhibit 5: Hydrographs.

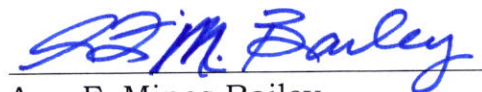
Exhibit 6: Map of Subareas.

Exhibit 7: Map of Section 21.

Exhibits 2 and 3 were previously provided with the Chief Engineer's
January 26, 2023 Expert Witness Disclosure. Copies of Exhibits 4 through 7
are attached.

Dated this 21st day of February 2023.

MARTY J. JACKLEY
ATTORNEY GENERAL



Ann F. Mines Bailey
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215
Email: Ann.MinesBailey@state.sd.us
*Counsel for Chief Engineer and
Water Rights Program, DANR*

Kimberly C. Drennon

Experience

South Dakota Department of Agriculture and Natural Resources – Water Rights Program, *Natural Resources Engineer I*, Jan. 2019 – Mar. 2021. *Engineer II*, Mar. 2021 - Present

- Perform technical reviews of ground and surface water permit applications
- Install water level loggers for special projects
- Inspect state-owned dams for Safety of Dams Program
- Assist Livestock Services Program in Nutrient Management Plan reviews Sep.- Oct. 2020
- Review and respond to constituent complaints regarding water rights/permits and wells
- Measure lake and observation well water levels

South Dakota School of Mines and Technology *Research Assistant*, Aug. 2015 – Dec. 2017

- Research effect of air particles on transport of phthalates
- Analyze gas samples with Gas Chromatograph/Mass Spectrometer/Automatic Thermal Desorber

South Dakota School of Mines and Technology *Teaching Assistant*, Aug. 2015 – Dec. 2016

- Grade and assist students for Fluid Mechanics, Introduction to Environmental Engineering I and II, Engineering Projects in Community Service (EPICS)

GSI Engineering, Urbandale IA. *Engineering Technician*, Summer 2015

- Quality assurance on construction sites including concrete compression, slump, and air entrainment tests
- Laboratory soil tests including Atterberg limits, sieve, hydrometer, and Proctor compaction
- Collected rainwater runoff samples using ISCO sampler

Gage Brothers Concrete Products: *Quality Control Intern*, Summer 2014

- Quality control concrete tests including concrete compression, slump, and air tests
- Check form construction for accuracy to plans

Education

South Dakota School of Mines and Technology, Master's Degree in Civil and Environmental Engineering, Dec. 2018

Dordt University: Bachelor of Science in Engineering, Civil Emphasis, May 2015

Senior Design Project: Water Resources Management for Esther School in Zambia, Africa

Skills and Certifications

Engineer Intern certified May 2015, State of Iowa.

Proficient in ESRI ArcMap, HEC-HMS, HEC-RAS, Adobe Illustrator.



Eric S. Gronlund PE
Chief Engineer
SD-DANR, Water Right Program

Education

B.S. Agricultural Engineering, South Dakota State University (December 1983).

Registration

SD Licensed Professional Engineer (Certification No. 7104)

Career Experience

TITLE: Chief Engineer, Water Rights Program (February 2020 - Present)
ORGANIZATION: Department of Agriculture and Natural Resources – Office of Water, Water Rights Program
MAJOR DUTIES: Chief Engineer is an adviser to the Water Management Board regarding the development, conservation and allocation of the right to use the waters of the state. This includes making a recommendation on water permit applications and administers the appropriation of water resources in South Dakota to protect the public welfare and interest in the development of the water resources and determine in what way the water of the state should be developed for the greatest public benefit. Administers the South Dakota dam safety program.

TITLE: Engineering Manager I (2019 – February 2020)
ORGANIZATION: DENR – Division of Environmental Services, Water Rights Program
MAJOR DUTIES: Provide engineering and program management for the appropriation of water in South Dakota including coordinating, planning and directing processing of water permit applications. Coordinate activity of the Water Management Board in conducting contested case hearings. Establish goals for team members conducting review of applications to appropriate water, conducting licensing investigations and complaint investigations. Provide technical engineering guidance to staff engineers in review of application to appropriate water. Technical review of staff engineer's reports on applications to ensure criteria for issuance of permit are met. Direct public notice process and issuance of approved water right permits. Oversee licensing of water permits determining the level of development of permitted water use systems. Presentations of water right law and regulations. Team leader directing work of three staff engineers and four water right inspectors.

TITLE: Natural Resources Engineering Specialist or Engineer III (1990 – 2018)
ORGANIZATION: DENR – Division of Environmental Services, Water Rights Program
MAJOR DUTIES: Administer day to day operation of the water right permitting process. This includes review of application completeness, review of the engineering aspects of proposed projects, participation in the report writing process, preparation of public notice and scheduling. Knowledge of the water rights regulations. Communicate the water right regulations and permitting process to citizens and other agencies. Provide advice on engineering principles and the application of state water rights law. Conduct water permit licensing investigations and complaint investigations. Review engineering studies and provide technical assistance.

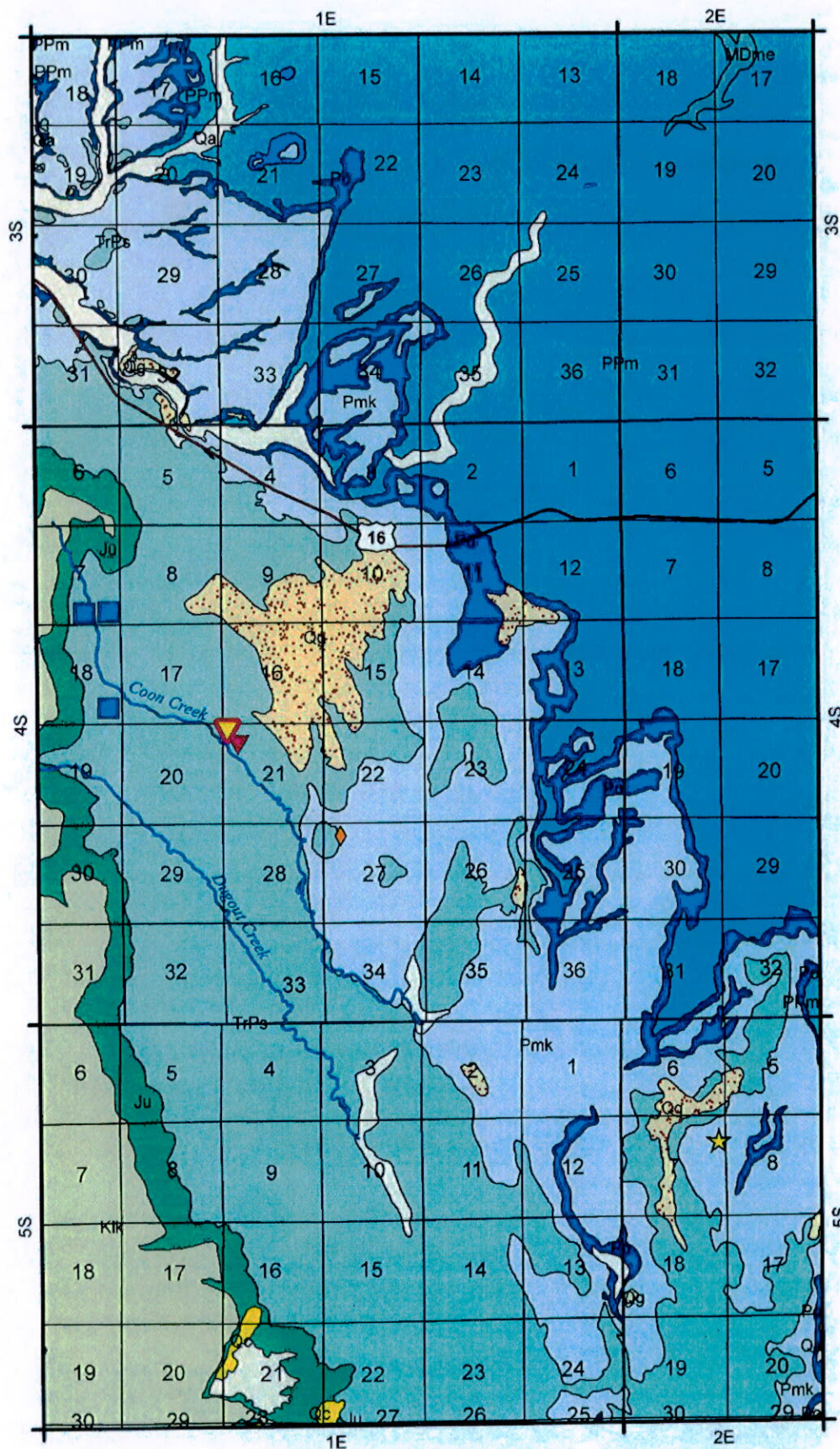


TITLE: Natural Resources Engineer III (1984 – 1989)
ORGANIZATION: DENR- Division of Technical and Financial Assistance
MAJOR DUTIES: Manage major project development, including state liaison on project development and grant administration for water projects throughout South Dakota. Team member for the James River Restoration Project with specific responsibility for the hydraulic analysis of project alternatives using HEC-2 modeling. Review engineering studies and provide technical assistance.

TITLE: Research Assistant (summer seasonal 1978 – 1983)
ORGANIZATION: SDSU – West River Research and Extension Center
MAJOR DUTIES: Conduct range research including field sampling, data processing, soil sampling, surveying and data analysis.

Memberships

- Association of Western State Engineers
- Western States Water Council
- National Water Supply Alliance
- Upper Missouri Water Association



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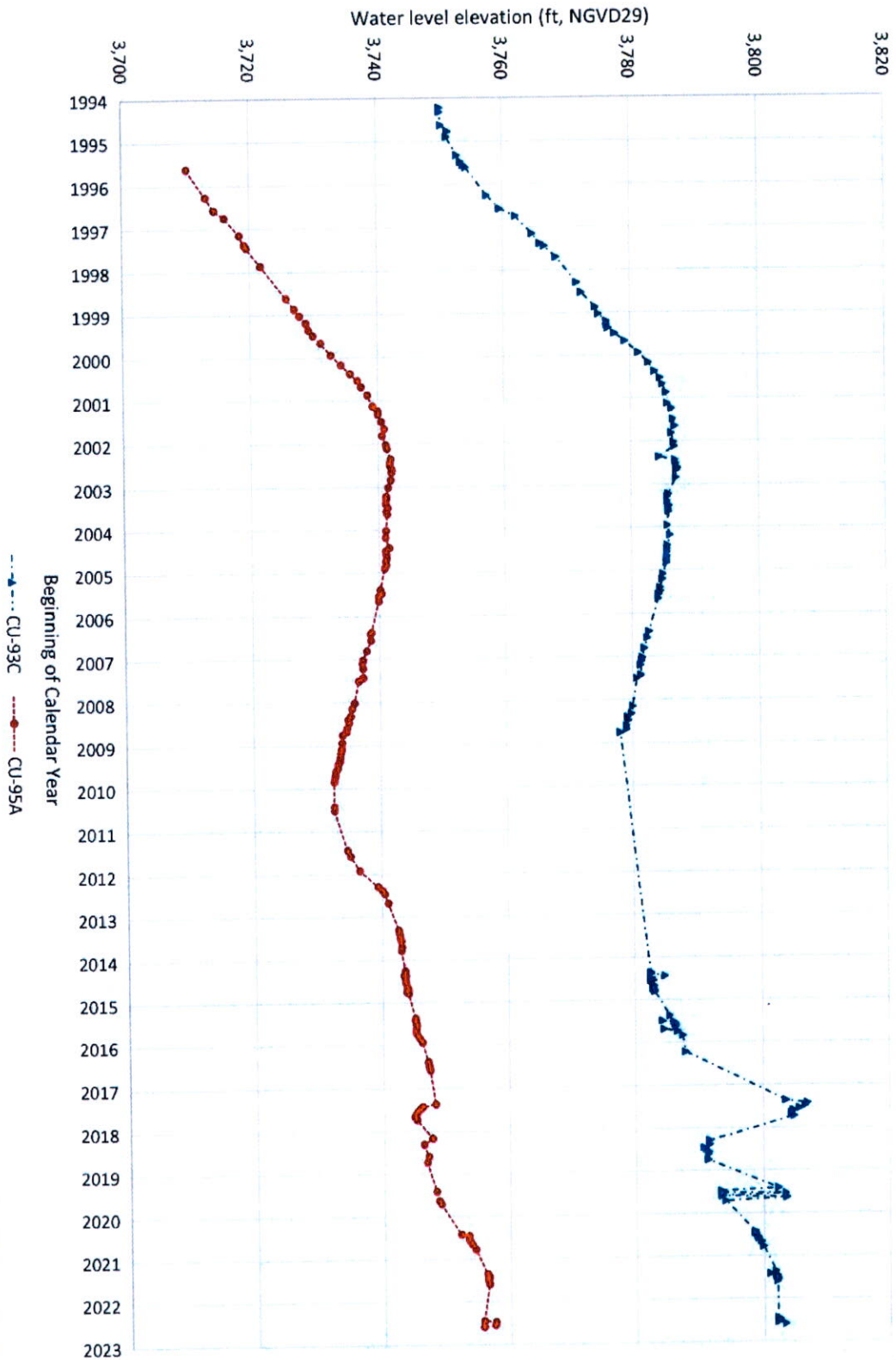
- App No 2850-2 Proposed Well
- Dalton Stearns Wells
- Daniel N Stearns Wells
- Paulton Well
- Martinez Well
- US Highways
- US States and Territories
- County Boundaries
- Township and Range Boundary
- Section Boundary
- Stream/River
- Artificial Path
- Surface Geology
- Stratigraphic Units
- Alluvium (Qa)
- Colluvium (Qc)
- Gravel Deposits (Qg)
- Pierre Shale (Kps)
- Inyan Kara (Kik)
- Morrison/Gypsum Spring (Ju)
- Spearfish (TrPs)
- Minnekahta Limestone (Pmk)
- Opeche Shale (Po)
- Minnelusa (PPm)
- Outcrop of Madison Group (MDme)
- Lake or Pond

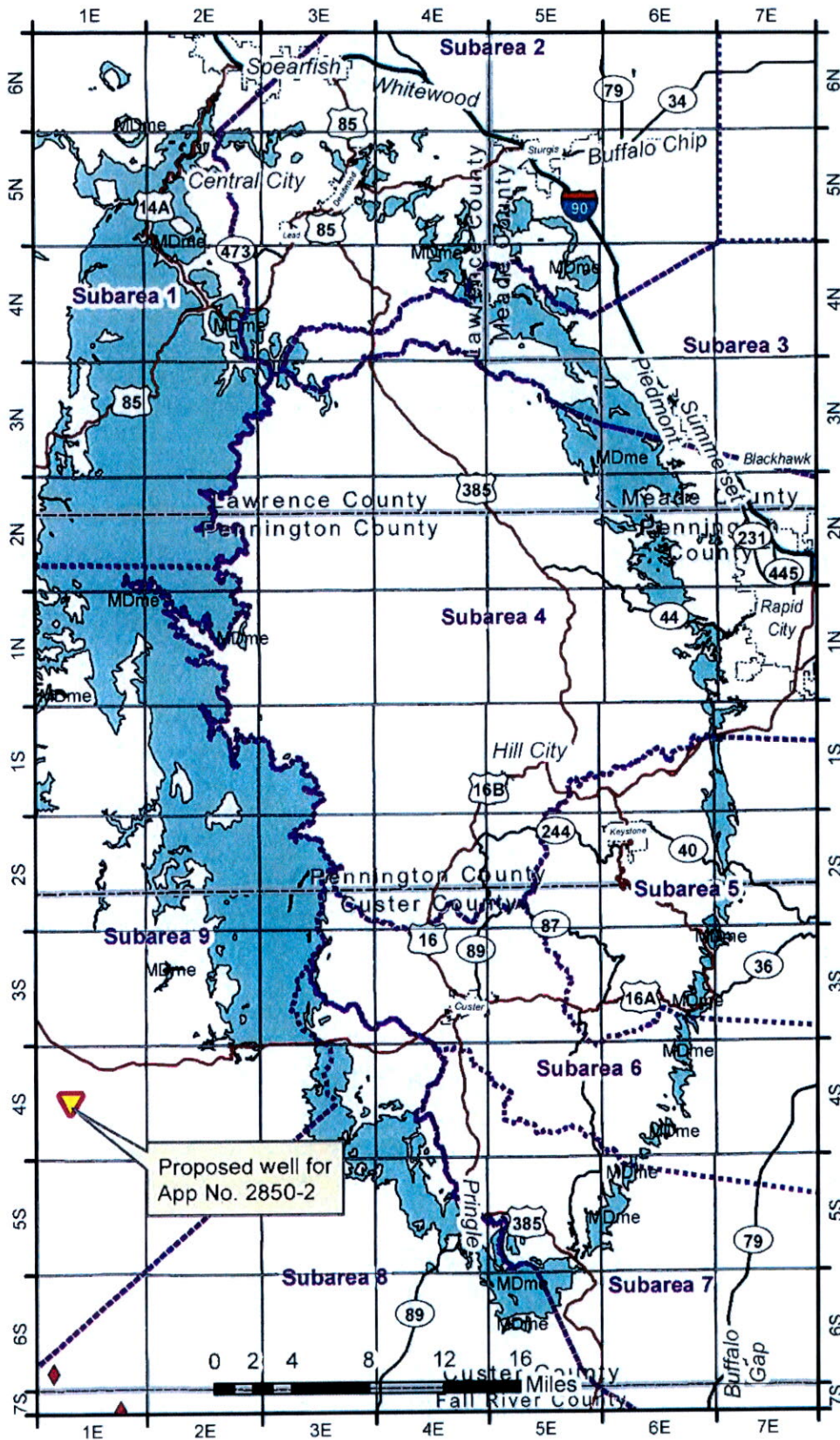
0 0.5 1 2 3 4 Miles

21 February 2023 KCD



DANR Observation Wells CU-93C and CU-95A





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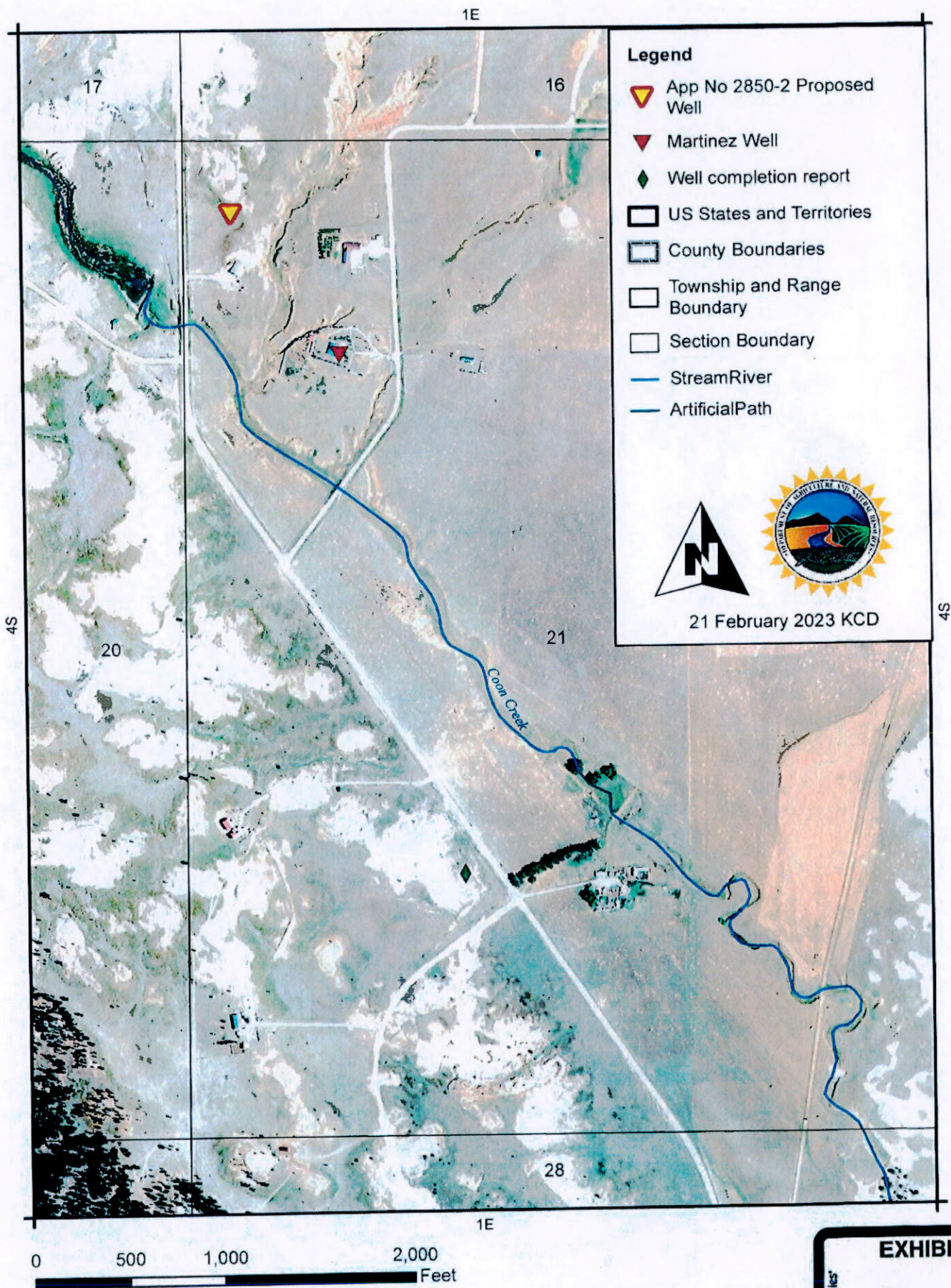
- App No 2850-2 Proposed Well
- App No 2685-2 Proposed Wells
- Carter et al. Subareas
- Interstate
- US Highways
- State Highways
- US States and Territories
- County Boundaries
- Township and Range Boundary
- City/Town
- Outcrop of Madison Group (MDme)

10 February 2023 KCD



EXHIBIT

6
DANR



EXHIBIT

7

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WATER

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN THE MATTER OF WATER)	
APPLICATION NO. 2850-2, Elk)	CERTIFICATE OF SERVICE
Mountain Water Users Association,)	
Inc.)	

The undersigned hereby certifies that true and correct copies of the Chief Engineer's Disclosure of Witnesses and Exhibits in the above matter were served by U.S. mail, first-class postage prepaid, upon the following on this 21st day of February 2023:

Susan Anderson
Attorney at Law
P.O. Box 6062
Custer, SD 57730
Counsel for Elk Mountain Water Users Association, Inc.

J. Scott James
Southern Hills Law PLLC
429 1/2 Mount Rushmore Road #2
Custer, SD 57730
Counsel for Elk Mountain Water Users Association, Inc.

Robert J. Galbraith
Nooney & Salay, LLP
P.O. Box 8030
Rapid City, SD 57709-8030
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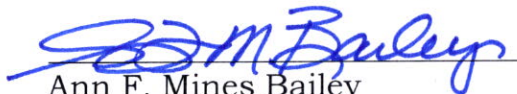
William and Susan Paulton
10666 Pass Creek Road
Edgemont, SD 57735

Jim and Charel Pitts
25385 Gillette Canyon Road
Newcastle, WY 82701

And on the same date, the originals were filed by interoffice mail with:

Ron Duvall
DANR Water Rights Program
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

MARTY J. JACKLEY
ATTORNEY GENERAL



Ann F. Mines Bailey
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215
Email: Ann.MinesBailey@state.sd.us
*Counsel for Chief Engineer and
Water Rights Program, DANR*